

**REMARKS**

Claims 1, 4, 6, 7-11, 13-17, 19, 21-23 and 25-28 are pending in this application. The Office Action states that claims 1, 4, 8, 9, 11, 13, 16, 17, 19, 23, 25 and 28 are allowed. By this Amendment, claims 1 and 6 are amended.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Reconsideration based on the above amendments and following remarks is respectfully requested.

**I. Formal Matters**

The Office Action objects to claim 1 because of informalities. Applicant respectfully submits that claim 1 as amended obviates this objection.

**II. The Claims Define Allowable Subject Matter**

**A. Claim Rejections - 35 U.S.C. §102**

The Office Action rejects claim 6 under 35 U.S.C. §102(e) as being unpatentable over Lee (U.S. Patent No. 6,549,234). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Lee fails to disclose or teach all of the features recited in claim 6. Specifically, Lee fails to disclose or teach a plurality of photogate pixel sensors arranged in a two-dimensional array, as recited in claim 6.

As stated in the March 11 Office Action, Lee merely discloses a CMOS image sensor plurality of photo diode pixel sensors arranged in a two-dimensional array. It is respectfully submitted that a photo diode pixel sensor cannot reasonably be considered to be a photogate pixel sensor, as recited in claim 6.

Accordingly, withdrawal of the rejection of claim 6 is respectfully requested.

**B. Claim Rejections - 35 U.S.C. §103**

The Office Action rejects claim 7 under 35 U.S.C. §103(a) over Lee, in view of Pain (U.S. Patent No. 6,326,230); rejects claim 10 under 35 U.S.C. §103(a) over Lee, in view of Umeda (U.S. Patent No. 6,452,632); rejects claims 14, 21 and 26 under 35 U.S.C. §103(a) over Lee, in view of Arai (U.S. Patent No. 5,128,769); and rejects claims 15, 22 and 27 under 35 U.S.C. §103(a) over Lee, in view of Pain, and further in view of Arai. Applicant respectfully traverses these rejections.

In particular, Applicant respectfully submits that neither Pain, Umeda, nor Arai, makes up for the deficiencies of Lee as discussed above regarding claim 6. Accordingly, Applicant respectfully requests that the rejection of claims 7, 10, 14, 15, 21, 22, 26 and 27 be withdrawn.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 4, 6, 7-11, 13-17, 19, 21-23 and 25-28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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